

Appendix A

Highlights of the *Education Act* Sections relevant to facility partnerships

*This description of sections of the Education Act is intended for convenience only. **The authoritative text is contained in the Education Act and associated regulations. This document should not be used as legal advice.** Boards are expected to seek legal advice from their own legal counsel when entering into legal agreements to ensure the Education Act is being followed and to protect their interests. Boards are reminded that all lease and sale transactions involving property that has been declared surplus are governed by Ontario Regulation 444/98.*

Paragraph 44 of subsection 171 (1): Allows agreements other than sales to or leases with post-secondary institutions for the provision and use of educational or recreational facilities on the property of either of the parties to the agreement. Such agreements must be approved by the Minister.

Paragraphs 48 and 49 of subsection 171 (1): Allows the construction and renovation of child care facilities in schools and the establishment, operation and maintenance of day nurseries. This could involve a board entering into a lease with a commercial enterprise to operate the day nursery. Minister's approval not required.

Paragraph 4 of subsection 171.1 (2): Allows the joint provision or use of facilities for administrative or "operational purposes" with other boards, municipalities, hospitals, universities or colleges through an agreement other than a lease. Minister's approval not required.

Section 183: Allows joint use of existing facilities or the construction of new facilities to be jointly used by a board with one or more boards or one or more municipalities. If the construction of a new facility is involved, the Minister's approval is required.

Section 196: Allows a board to enter into agreements other than by way of a lease with the "world at large" for the joint use of school sites currently being used for the instruction of students. Minister's approval is required before entering into negotiations and approval of the actual agreement, the plans of the school and building.

Section 194: Deals with the disposition of surplus property or the disposition of property as step in a plan to provide accommodation for pupils on the property or part of the property.

- Under clause 194 (3) (a), a board can sell, lease or otherwise dispose of any school site or part of a school site that has been declared surplus. If the property is offered through the O. Reg. 444/98 process and none of the prescribed entities are interested in the property, the board could offer the property to the "world at large." Minister's approval is not required.
- Under clause 194 (3) (b), if the disposition is part of a plan to provide student accommodation on the site or part of the site, it might involve the disposition of property, usually property contiguous to the school site that will be used for student accommodation. The disposition does not require circulation and may be by way of a lease or sale and will require the Minister's approval.